

Meeting Minutes

February 3, 2005

Town of Los Altos Hills

City Council Regular Meeting

Thursday, February 3, 2005 6:00 P.M.
Bullis School Multi-Purpose Room, 25890 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Present: Mayor Mike O'Malley, Mayor Pro Tem Breene Kerr, Councilmember Craig A. T. Jones, Councilmember Jean Mordo and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Administrative Services Director Sarah Joiner, Parks and Recreation Supervisor Jimmy Forbis and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Presentation of Silicon Valley Reads Program and Proclamation Request, Melinda Cervantes, Santa Clara County Librarian

Melinda Cervantes, Santa Clara County Librarian, thanked the Council for the opportunity to introduce to the Los Altos Hills' community the Silicon Valley Reads Program and this year's book; "Epitaph for a Peach: Four Seasons on My Family Farm" by David Mas Masumoto. Cervantes presented a brief overview of the program and book citing the book's similarities to Santa Clara Valley's historical roots as an agricultural community. She distributed a pamphlet with a calendar of events and author David Mas Masumoto's personal appearance schedule.

Council thanked Cervantes for her presentation.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to approve the Proclamation declaring February 2005 Silicon Valley Reads Month In Los Altos Hills.

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill reported that the Planning Commission at their January 27, 2005 meeting had considered five public hearing items. They included: Lands of Los Altos Hills, a review and amendment to the Conditional Use Permit for Westwind Barn that would permit additional horses and ease a restriction on a their replanting plan;

Lands of Alon, Lupine Road, a request for a Site Development Permit for a new residence; Lands of Eshighi and Doroodian, Fremont Road, a request for a Site Development Permit, variance and a Conditional Development Permit for a new residence and pool; Lands of Los Altos Hills (Cingular Wireless), Site Development Permit for wireless communications at the Town Hall site; and Lands of Blackman, Barton Court, a request for a Site Development Permit for a new residence. Cahill noted that the Planning Commission had recommended approval of the Westwind Barn Conditional Use Permit and amendments and it would be considered by Council at a future meeting. The Commission had denied approval of the Alon project and Cahill believed the applicants would be forwarding a revised alternative plan to the Council as an appeal of the Planning Commission action. Cahill noted that the Eshighi and Doroodian application was continued at the request of the applicant. The Commission had determined that the proposed house was too large for the non-conforming lot and had directed the applicant to reduce the size of the house and move the house out of the setbacks. The Cingular Wireless hearing was continued at the request of the applicant and Council would be provided a status report at the New Town Hall Committee meeting. The final application, Lands of Blackman, was unanimously approved by the Planning Commission. Cahill noted that it received very strong support from neighbors of the project.

4. CONSENT CALENDAR

Items Removed: 4.6 (Warshawsky)

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to approve the remainder of the Consent Calendar, specifically:

- 4.1 Approval of Minutes: Regular City Council Meeting January 20, 2005
- 4.2 Review of Disbursements: 01/13/2005 – 01/26/2005 \$201,435.69
- 4.3 Proposed Agreement with Nationwide Auction Systems to Sell Surplus Town-Owned Vehicles and Equipment to the Highest Bidder – Resolution # 8-05
- 4.4 Investment Report for the Quarter ended December 31, 2004
- 4.5 Approval of Revisions to Standing Committee Resolution 77-04 Adding the Environmental Initiatives Committee – Resolution #9-05

Item Removed:

- 4.6 Approval of Grant of Conservation Easements; Lands of Malek;
APN: 182-29-061

Councilmember Warshawshky requested clarification on this item from the Planning Director, specifically; rather the sizeable lots could be further subdivided.

Planning Director Cahill explained that with the conservation easements on the parcels, they could not be subdivided.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to approve the Grant of Conservation Easements; Lands of Malek, Resolution #10-05.

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Complete Town Hall On Time and On Budget

5.1.1a TBI Update

Tony Vierra, TBI Construction Management, provided Council with a summary report of the new Town Hall's construction progress. Notably; the interior framing was complete and drywall installation was ongoing; foundation had been poured for the Donor Wall; windows were installed, including the stained glass window; exterior paint color was under review; and the site work was underway. The updated completion date was March 28, 2005.

Mayor Pro Tem Kerr explained that the Landscape Plan was scheduled for a public hearing in early March. The project would be sent to bid prior to the hearing and any revisions would be handled as change orders. Kerr noted that the Landscape Architect had worked closely with the New Town Hall Committee and Environmental Design and Protection Committee in developing the proposed landscape design.

Mayor O'Malley noted that the project was proceeding well with few change orders and on time and on budget.

5.1.2 Identify and Fund Underground Project

Councilmember Warshawsky reported that the "kick-off" for the Undergrounding Project was scheduled for February 15, 2005 at noon at the Little League Fields on Purissima Road and invited Council and the audience to attend. He noted that the surveying and mapping for the project were currently underway.

5.1.3 Complete Master Pathway Map

Chris Vargas, Pathways Committee Chair, reported that the Public Hearings had been scheduled: Planning Commission, February 10, 2005 and City Council, March 8, 2005.

Mayor O'Malley commended the Pathways Committee on all of their efforts to bring this project to fruition.

Councilmember Warshawsky, Council Liaison to the Committee, concurred and offered kudos for the amazing background work and documentation that had been garnered for the update revisions of the Path Map.

5.2 Proposed Cancellation of the Regular City Council Meeting of February 17, 2005

City Manager Maureen Cassingham introduced this item to Council. She explained that the Donor Wall Subcommittee had advised her that they had secured a location for the proposed fundraising phonathon and that cancellation of the February 17th City Council meeting would allow the Councilmembers the opportunity to participate in the event and provide their support for the fundraising efforts for the new Town Hall Donor Wall.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to cancel the February 17, 2005 City Council meeting to allow the City Council to participate in the Donor Wall phonathon.

5.3 Request for Approval of the Town of Los Altos Hills Draft Moody Road/El Monte Road Corridor Transportation Master Plan

Acting City Engineer Dave Ross introduced this item to Council. Council had before them the Moody Road/El Monte Road Corridor Transportation Master Plan draft dated February 2005. He explained that this was the first “in-house” master plan and advised that it was a working document that would serve as the strategic planning guide to gain project support and to enable the Town to seek external funding for improvements that would address the current safety and operational needs for the Corridor. Ross presented a PowerPoint presentation that included highlights of the project.

Ross reviewed the proposal with Council, noting that the near term needs for the Corridor were divided into five segments. They included: Segment #1-Moody Road Path and Bike Accommodation; Segment #2-Foothill College Path; Segment #3-Stonebrook Drive and Foothill College Pedestrian Crossing; Segment #4-Re-striping Between Route 280 Ramps; and Segment #5-El Monte Road-Voorhees Drive to Summerhill Avenue. He explained the project descriptions, required construction, estimated cost of each segment, proposed funding and funding status for each segment and noted that the Town would most likely be required to participate in any outside funded work with matching funds. He was working with CalTrans and the Valley Transportation Agency for possible funding needs. Ross suggested that improvements that addressed the current safety and operational needs be programmed now and as additional safety and congestion relief needs are identified in the Corridor, they would be added to the program projects.

Mayor Pro Tem Kerr reported that he had met yesterday with the VTA Development Co-ordinator and assistant and had toured the sites reviewed in the draft Corridor Master Plan. He was very hopeful that the projects would be funded. Kerr congratulated the staff on their work and added that it was exactly the supporting documentation that the VTA needed to move forward with the Town’s requests. He noted that the Corridor had always been an area of concern with issues of pedestrian, equestrian and cyclists safety problems that have increased with the recent Foothill College expansion work and the loss of the Town’s path. The proposed path would be a safe route for children to bike to school and cyclists to ride to downtown Los Altos. Kerr added that the path area was beautiful and paralleled Adobe Creek and potentially could be named the Adobe Creek path.

Councilmember Warshawsky requested clarification on the financial exposure of the projects to the Town. Ross responded that the work could be done, as outside funding was made available. Mayor Pro Tem Kerr added that the VTA was currently interested in regional equity in the funding of projects and believed the timing of the Town's proposal was positive. He offered that generally, the applicant's shared match was 15% of the project.

Mayor O'Malley thanked staff for the report and Mayor Pro Tem Kerr for his assistance with seeking funding from the VTA for this project.

Acting City Engineer Ross commented that he would return to the Council for their consideration and approval of all proposed projects.

5.4 Proposal from the Mountain View-Los Altos Soccer Club and American Youth Soccer Association Region # 43 (MVLASC/AYSO) for Joint Development of Existing Recreation Facilities at the Former Bullis-Purissima School Site with the Town of Los Altos Hills

Mayor O'Malley explained that staff had been asked to review the proposal that had been presented to the Council by Rodney Robinson representing AYSO and the Mountain View/Los Altos Soccer Club for the development of a soccer field at the Bullis School site at their last Council meeting. Council had before them the analysis prepared by Jimmy Forbis, Parks and Recreation Supervisor.

Forbis addressed Council. He noted that for the purpose of the analysis, he had used the updated proposal from Robinson that was distributed at the January 20, 2005 City Council meeting. The proposal called for a 125 yard by 75-yard synthetic turf playing field at a cost of \$961,250 to be located at the Bullis Purissima School site. Forbis explained that staff had on two previous occasions explored the possibility of upgrading the existing Bullis fields for the Town's recreation activities. They had received estimates for synthetic and turf playing surface options and a simple rehabilitation/restoration plan for the existing lower field. He discussed the cost differences between the Robinson proposal and earlier project investigations, noting that the Town had considered a different field configuration due to drainage and setback issues.

Forbis reviewed his analysis of the proposal with the Council that included a discussion of the field construction cost, field configuration, use schedule, event parking, project funding, maintenance costs, and field material (natural turf vs. synthetic turf).

Mayor O'Malley thanked Forbis for his excellent and thorough report and analysis.

Council discussion of field options ensued including the site lease from the Los Altos School District, field size, field materials, and project cost. Councilmember Jones offered that he would like to continue the investigation of the development of a field and would like to see if there would be a proposal that would be amenable to the School District, AYSO and the Town (the partners). Councilmember Mordo suggested that it would be appropriate to consider what additional projects require use of the Park Bond money before appropriating it for the soccer field. He noted that there had been discussion about use of the funds for building a community center at Westwind Barn for

Town programs. Mayor Pro Tem Kerr offered that the Council, during the budgeting period, determine what amount including the Park Bond money would be spent for public recreation and then prioritize the projects. Council concurred and agreed that this discussion would also be an appropriate item for the Council Strategic Goal Setting Session. O'Malley suggested that staff, a Councilmember representative and AYSO work in parallel to the budget discussions to look at field alternatives, options and costs.

OPENED PUBLIC COMMENT

Rodney Robinson, Via Arline, AYSO representative thanked the Council for considering their proposal and noted that he looked forward to working with the Subcommittee.

John Harpootlian, Anacapa Drive, suggested that it would be reasonable to see if the Bullis Site could also accommodate a riding ring.

Kathy Evans, La Loma Drive, explained that the upper portion of the Bullis site had historically been suggested as a riding ring and equestrian pathway. She expressed her concern that the Los Altos School District could chose to prohibit public use of the recreation areas if they leased the site to a private school.

City Attorney Steve Mattas clarified that if the Town entered into a lease with the District for the fields, the Town would have control and if the School District surplused the site, the Town would have first right of refusal to purchase the recreational facilities.

Resident, Alicante Lane, applauded the Council on their efforts to develop more recreational fields and encouraged them to consider multi-uses for the fields including la cross, rugby and flag football.

CLOSED PUBLIC COMMENT

Councilmember Jones volunteered to serve on the Subcommittee to investigate the soccer field. The Subcommittee would be comprised of Councilmember Jones, Parks and Recreation Supervisor Jimmy Forbis and AYSO representative Rodney Robinson.

Mayor O'Malley reordered the agenda to reserve discussion of New Business items to the conclusion of the meeting.

6. NEW BUSINESS

6.1 Consideration of Joint City Council Meeting-Town of Los Altos Hills and City of Los Altos

Following a brief discussion, Council approved Tuesday, May 3, 2005 for the Joint City Council Meeting.

6.2 Los Altos Hills Volunteer Dinner

Council approved Friday, April 8, 2005 as the date for the Volunteer Dinner to be held at Fremont Hills Country Club catered by Chef Chu.

6.3 Report on Health Insurance Benefits for City Councilmembers

Administrative Services Director Sarah Joiner introduced this item to Council. At the request of Council, she had investigated the options for Health Insurance Benefits for Councilmembers. Council had before them a report that offered comparisons of monthly salaries and health insurance coverage for Councilmembers from benchmark cities including: Atherton, Hillsborough, Monte Sereno, Portola Valley and Woodside. Joiner discussed the two different scenarios for providing health insurance to Council and the estimated costs for each option.

Council directed Joiner to investigate the option of Council forgoing their monthly stipend in lieu of health insurance benefits at no additional cost to the Town and to report back to Council with her findings. Council added that if there were any additional costs, Council participants would pay the costs.

6.4 Proposal for Participation in Vehicle Fee Gap Receivables Financing Program

Administrative Services Director Sarah Joiner introduced this item to Council. She provided an historical overview of vehicle license fees (VLF) and the State's VLF Gap Repayment program. Joiner explained that the proposal before Council was an opportunity to sell the VLF Receivables to the California Statewide Communities Development Authority at a discount and receive the proceeds in mid March. The CSCDA is a joint powers authority (JPA) sponsored by the League of California Cities and the California State Association of Cities. The member agencies of CSCDA include approximately 230 cities and 54 counties throughout California.

Joiner reviewed the benefits to the Town for participation in the VLF Receivables Financing Program with Council, noting that it would provide the Town with approximately 87.61% of its VLF Receivable, or a minimum of \$122,252, as opposed to \$139,542 in August of 2006. Joiner added that there always was the risk that the State would not honor its obligation of the VLF Gap Repayment in August, 2006; it was feasible that the State could delay the repayment or pay it in installments.

Council discussion ensued regarding the advantages and potential risks of the proposal. Council concurred with the staff's recommendation for participation in the VLF Gap Receivables Financing Program.

City Attorney Steve Mattas explained that if the Council wished to move forward with the VLF Program, the Town would be required to first join the Joint Powers Authority. The Town received this qualification information from the Bond Counsel today and because the deadline for submittal of the application is February 18, 2005 with Council's next meeting scheduled for March 3, 2005, it would require the addition of an urgency agenda item. The addition of the item would meet the Brown Act criteria.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Warshawsky and passed unanimously to add to agenda item 6.4 consideration by the Council of a Resolution Approving, Authorizing and Directing Execution of an Amended and

Restated Joint Exercise of Powers Agreement Relating to the California Statewide Communities Development Authority.

Mattas further clarified that the rationale for the motion was that staff was just advised of the necessity to do this and Council would not meet again until after the deadline for submittal of the materials and as defined by the Brown Act this resolution can be added by a 4/5 vote of the Council.

MOTION SECONDED AND CARRIED: Moved by Mordo, seconded by Kerr and passed unanimously to adopt Resolution No.11-05 Approving, Authorizing and Directing Execution of an Amended and Restated Joint Exercise of Powers Agreement Relating to the California Statewide Communities Development Authority and Resolution No. 12-05 Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Vehicle License Fee Receivable from the State; and Directing and Authorizing Certain Other Actions in Connection Therewith.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

7.1 Presentation of "A Guide to Understanding Conservation Easements" - Open Space Committee

Roger Spreen, Open Space Committee Chair, addressed Council. Council had before them the recently published brochure "A Guide to Understanding Conservation Easements" that had been prepared by the Open Space Committee of 2004-05. Spreen explained that it had been written for informational purposes for residents and designed in a question and answer format to be used by people interested in the subject. He directed the Council's attention to page 13, the conclusion, that was a concise and informative look at the purpose and value of volunteer conservation easements in the Town.

Spreen extended an invitation to the Council and audience to the Forum on Conservation Easement scheduled for February 6, 2005. The brochure would be available at the event.

COUNCILMEMBER REPORTS

Councilmember Warshawsky reported that the Emergency Communications Committee would attend the next new Town Hall Committee meeting to discuss the relocation of the emergency antenna at the Heritage House.

Councilmember Jones reported that the Public Education Committee was functioning well and was looking for direction from Council to consider their moving forward on the investigation of autonomy. He would return to Council at a future meeting for discussion. Jones added that he had attended the Pathways Committee Meeting study session and found it to be very informative.

Councilmember Jones requested that he would like discussion of the ethics of Councilmembers as voting representatives of the Town on their outside agency boards. He questioned whether they vote as individuals or as representatives of the Town

(constituents) and Council. City Attorney Steve Mattas offered that this would be an appropriate discussion at the Council's Strategic Goal Setting Session. He noted that different communities do approach the issue in different ways.

Mayor O'Malley reported that he had attended a Santa Clara Valley Water District meeting and was informed that the water rates were being increased as a result of the State's recent action to take approximately \$50 million in funds from the District over the next two years.

8. STAFF REPORTS

8.1 City Manager

City Manager Maureen Cassingham reported that staff had a scheduled meeting with Comcast next week to review the construction schedule for the public rights of way build out.

Acting City Engineer/Public Works Director Dave Ross reported that a deep crack had developed on Elena Road south of La Barranta. Engineering will monitor the crack to ensure that it doesn't progress. He would keep Council apprised.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Scheduling of Strategic Planning and Goal Setting Session – Councilmember Jones

Following a brief discussion, Council scheduled the Strategic Planning and Goal Setting Session for Saturday, May 14, 2005 at the new Town Hall. The City Manager was directed to contract the services of a professional facilitator for the session.

9.2 Consideration of Request from Bullis Charter School to Use Purissima Road Town Recreational Fields for School Site – Mayor O'Malley

Chris Vargas, Templeton Place, Bullis Charter School representative, thanked the Council for the opportunity to speak and for all of their efforts to support public education. He provided Council with a background summary of the history of the Bullis Charter School. He added that it was important to clarify that the School's first choice for a site was Bullis-Purissima School but it was important to understand that the School was faced with a hostile School District and it was key to their survival to have a "backup location". Vargas thanked the Little League supporters and the Horseman's Association for their support and explained that the School's primary goal was to find a long term solution to their housing needs and that he wanted to reiterate that the Purissima Road site was a temporary solution.

Council had before them a memo from the Bullis Charter School Site Committee regarding the potential use of the town-owned property on Purissima Road that included the riding ring and ball field #1 as an alternative school site to the Bullis site for the Charter School. Vargas reviewed the Site Committee's search efforts and fifteen (15) alternative sites that had been investigated. He concluded that the only viable alternative was the Town's Purissima property. Vargas added that the existing deed restriction on the site was placed on the property by the Town to ensure public use of the site. He added that if the Bullis Charter School were forced to use this site as an alternative, they would request that the Town spend money to acquire replacement venues for the Town riding ring and Little League field.

Vargas explained that the School would use approximately 20% of the existing space on Purissima and it would serve the greater community by enhancing property values and returning public education to the Town as a community asset. He acknowledged that the School's proposal had the support of key community leaders including Mary Davey, Nancy Couperus and Duffy Price.

Vargas concluded his presentation by explaining that the Charter School would withdraw their request for the site if the Los Altos School District would make the Bullis School site available to them.

Karla Jurvetson, Bullis Charter School Site Committee member, addressed Council. She reviewed the list of actions identified in the BCS Site Committee memo that they were requesting Council to consider at tonight's meeting. Jurvetson explained the Site Committee's findings during their search process for alternative sites, assessing each site on the list of the fifteen (15) locations.

Mary Davey, former Mayor Town of Los Altos Hills, explained that she was serving on the Council when the land was purchased from the Palo Alto School District for use as Little League fields. This was an important time in the development of the environmental movement on the Peninsula. Davey noted that the Council raised the property tax (5 cents) to purchase the Little League fields and Byrne Preserve for Open Space. To ensure that the Purissima site would be preserved and the public would have control over the land, the deed restriction was placed on the site. She noted that at that time, the fields and the schools were integral components to community activities and sadly now the schools were all closed and no longer serve as community centers. She voiced her support for the Bullis Charter School's request to use the site as a temporary home and saw no conflict with the site being used for educational and for recreational purposes and encouraged the Council to look to the future of the community and embrace this dual, complementary use.

Nancy Couperus, Page Mill Road and primary advocate for the Open Space Initiative, explained that the original purpose of the Initiative was to protect town owned lands for the residents as assets designated as open space or for public recreation. Couperus noted that if the supporters had known that all of the schools in the Town would be closed, they would have added education as a permissible use for the lands noting that the Initiative secured Town-owned lands for public use.

Council discussed the request from the Bullis Charter School.

Councilmember Mordo noted that this was a very difficult issue. He sympathized with the Horsemen's Association and the Little League and acknowledged that the Town had limited recreation facilities but the Town no longer had a public school and the residents want one. He explained that he is a member of the Community Reconciliation Process with Councilmember Warshawsky and they have met every week for the past few months to find a solution to the conflict between the Town, the Bullis Charter School and the Los Altos School District. Mordo acknowledged that he was not encouraged by the Los Altos School District and believed they would prefer to see the Charter School fail. Mordo believed granting the use of the Purissima site and locating the School in Town was key to BCS's survival. Mordo offered that if the School were to survive and have visibility in Town, this might sway the District to change their opinion and offer to let the Charter School locate at Bullis.

Mayor Pro Tem Kerr declared that he believed it was very important for the City Council to commit resources to recreation and the Council should strive to ensure that the Town had more recreational options in two years than they do today. He noted that the curriculum and focus of the Charter School to promote joint programs with environmental organizations in Town, like Hidden Villa, made it a leading light in environmental issues and with its outstanding curriculum could become a "world class" educational institution. Kerr added that he personally wanted the School in Los Altos Hills and believed it provided an excellent alternative education and would enhance property values. He reiterated that it was important to support the School's needs while continuing to be sensitive to the recreational needs of the community.

Councilmember Warshawsky acknowledged that he had received numerous emails and correspondence regarding this important issue. He was looking forward to hearing the public comments at tonight's meeting and noted that education is a top priority for him and the Council. There were many issues that needed to be considered in making a decision including the legal uncertainties regarding the deed restrictions and the Open Space Initiative's ramifications on the site.

Councilmember Jones explained that he considered the return of public education to Los Altos Hills and the expansion of recreation opportunities for the residents of Town his two most important goals as a Councilmember. He noted that the Public Education Committee's Survey results showed that the Town's residents support the return of a public school to Los Altos Hills. Jones noted that the Town was the only community on the Peninsula without a public school. He added that if Bullis Charter School were to be located at the Purissima site, the solution must include the relocation of the Little League field and the riding ring. Jones encouraged the Council to continue with all legal options to have the Bullis School site available to the Charter School and to prevent it from being rented to a private school. He noted that historically, once a school was closed, it stayed closed.

Mayor O'Malley expressed his frustration that there was not a child in Los Altos Hills that could walk to school. He noted that the Bullis Charter School was a wonderful School that needed a home. O'Malley explained that this was a back-up plan, Council would continue to push the District for the use of the Bullis site, but after the Little League season, temporary housing for the Charter School could be located on the field

and riding ring and the Town could pursue other venues for Little League and the Horsemen. He looked forward to hearing comments from the public.

OPENED PUBLIC COMMENT

Jitze Couperus, Page Mill Road, stated that there was no comparison between recreation needs and education for the Town's children. He believed that education should be the priority for Council.

Bob Stutz, Elena Road, explained that he would be worried about the actions of Los Altos School District if the Town provided a temporary site for BCS.

John Radford, La Paloma Road, noted that the Public Education Committee's survey showed that 61% of the Town's residents supported the Charter School and expressed his belief that the Los Altos School District had no plans to reopen the Bullis-Purissima School. He believed that the Charter School was the only hope for returning a public school to Los Altos Hills.

Peter Evans, La Loma Drive, Bullis Charter School Board Member, commented that he was addressing Council as a resident and encouraged them to support the School's request for the Purissima site and to assist the Horsemen's Association in finding an alternative site for the riding ring.

Martha Bowden, Saddle Court, agreed that the Charter School deserved a home, but not at the expense of the Little League and public open space. She noted that there were two existing school sites in Town, Bullis and Pinewood, and suggested if they were not available, locating the school in Byrne Preserve. She believed that the loss of the field would put the future of the Little League in jeopardy. She noted that the field being discussed was used primarily by younger players.

Steve Bristow, Hilltop Drive, expressed his opposition to the loss of the field and open space. He suggested that the School work on their own to find a site and believed they should be considered a special interest group. Bristow was worried that the temporary home on Purissima would become permanent.

Allison Atkins, Orchard Hill Lane, explained that she believed schools were an important factor in the "sense of community" and felt it was outrageous that all of the public schools in Town have been closed. She added that the Town could regain this element by borrowing the field space for the temporary housing of the Charter School. Atkins noted that there were still three Little League fields in operation and it was important to take into account that the demographics in Town were changing and trending to younger families and the need for a neighborhood school was crucial.

Michael Wagner, Robleda Road, explained that he had supported the Charter School financially but believed that the deed restriction was unequivocal and that the Town would lose the site if the deed restriction were not removed.

David O'Such, resident, commented that he was active in Little League and encouraged the Council to work to see the Charter School located at Bullis and not to take away the Town's open space.

Dave Buchanan, resident, Little League Fields Commissioner, expressed his contention that this would be a damaging blow to Little League. He noted that the field being considered is used by 8-9-10 year olds during the development of their baseball skills. Buchanan added that there were no other sites available for Little League and believed it would be easier to find a school site than a site for a field and added that those that participated in the Public Education Committee's survey and responded favorably to the Charter School question did not realize it would mean losing Little League to bring the Bullis Charter School to Town.

John Zeisler, Alicante Lane, explained that his family was very disappointed that his children could not attend a local school, however, he encouraged the Council not to weaken another community asset. He believed the Los Altos Hills Little League was an important institution, a valuable community asset and noted it was enjoyed by 158 Town families.

Larry Russell, Lennox Way, explained that he had a child that had attended Bullis School and participated in Little League. He understood that Council was faced with a difficult decision that could ultimately create divisiveness in the Town. Russell stated his concerns regarding traffic, parking, and the loss of recreational activities for 515 children. He added that he was worried that temporary would become permanent and set a precedent on the use of other recreational lands. He believed there was a conflict of interest with several members of Council on this issue.

Larry Ausleni, Normandy Lane, encouraged the Council to save the Little League fields. He expressed his concern that the school would have a negative environmental impact and create traffic. Ausleni explained that the fields were "jewels" and a community asset that should be preserved for the kids.

9:10 p.m. City Council Meeting Recessed

9:22 p.m. City Council Meeting Reconvened

Duncan MacMillan, Natoma Road, noted that he was not speaking as a PEC member, Little League Coach or CPR member, but as a resident. He encouraged the Council to stay the course. MacMillan explained that he was initially worried that the District would favor "Plan B" (Bullis Charter School at the Purissima site) but now believed the District was looking for the Charter School to fail and if the School was located in Town, the District would lose control and this would be a concern to them. He favored the Town approaching the Palo Alto School District to remove the deed restriction.

Bob Garcia, Los Altos Resident, doubted that the Town had the resources or the time to prepare the Purissima site for BCS and supported Council continuing to support the BCS being located in Town but at the Bullis site. Speaking from experience as a construction manager, he did not believe the Town had the resources nor time to prepare the Purissima site for the School.

Ken Moore, Torello Lane, Bullis Charter School Board President, thanked the Council for their efforts. He presented a history of the founding of the School and noted that 70% of the students enrolled are from the Los Altos School District and the open enrollment for the next school year had been very successful and ultimately they may have enough children for two kindergartens. Moore explained that the School wanted the Bullis site and reviewed what they had offered to the District to no avail. He added that it was critical to their long term survival that they find a location in Los Altos Hills.

Stan Mok, Chapin Road, explained that his family was one of the original founding families of the Charter School. He noted that they had surmounted many hurdles and the School is now a “world class school”, competitive with the Los Altos School District and it was imperative that the Council support “Plan B” and find a home in Los Altos Hills for the School.

Scott Macomber, Vinedo Lane, voiced his support for the Little League and the Charter School. He suggested that Council withhold any decision until April 1, after the School District released their decision. He encouraged a campaign to illustrate the Town’s support for the School and advised the Town not to become divisive. He suggested that the Council consider leasing Bullis School for a Town Hall and locating the Charter School at the new Town Hall.

Alisa Bredo explained that she had begun riding horses at the Town ring. She believed that education should not be in opposition to open space and recreation and that the ring was an important asset to the Town. Bredo noted that this was one of the few recreational facilities for girls.

Bob Elson, Miranda Road, stated that he was a Little League Coach and supported the Bullis Charter School. Elson proposed two possible solutions to Council: 1) investigate changing the trustee designation on the Bullis site at the State; and 2) Little League families rally everyone to go to the School District offices and protest. He believed it was the action of the District that would ultimately cause the loss of the fields.

Stacey Ahrens, Sunset Drive, former Public Education Committee member, Bullis Charter School Board member, thanked the Council for all of their efforts to return a neighborhood public school to Los Altos Hills. She encouraged everyone to contact the Los Altos School District and ask them to locate the Charter School at the Bullis site. Ahrens reiterated that the Charter School would immediately withdraw their request for the Purissima site if they were placed at Bullis.

Kathy Evans, La Loma, speaking as a resident not as a Public Education Committee member, suggested that the Town should take control of the Bullis site under the State Education Code. She believed the solution was for the Town to form their own school district with a Los Altos Hills school board. Evans noted the disparity between Los Altos Hills residents and Palo Alto residents and Los Altos residents within each school district.

Kathy Hammergard, Snell Lane, stated that she was a parent of a Bullis Charter School student and asked the Council to support the School’s request and act according to what

she believed was the best for the Town as a whole was to bring the School to Los Altos Hills.

Eric Clow, Central Drive, speaking not as a Planning Commissioner but as a resident, suggested that the Council during their review of the Westwind Barn Conditional Use Permit, consider providing access to the public and Los Altos Hills Horsemen's Association members to the Barn as an alternative to the Town's riding ring. He offered that the Los Altos School District would perceive the Purissima site as unfavorable because it had the potential to attract students from the Palo Alto School District.

Marlin Miller, Taaffe Road, parent of BCS students, explained that it was gratifying to see the early successes for the School. He suggested that the BCS was a near term solution to return public education to the Town. Miller understood the importance of recreation and open space to the community but favored education as the top priority. He encouraged the Council to take action now because the School District believed the Town was divided and would be ineffective.

Lori Askew, Robleda Road, explained she was a former teacher and supported the Charter School, however, she was concerned with locating the School at the Purissima site. She wanted it clarified what other sites were available to relocate the ring and ball field and wanted to know if money had been set aside for the recreational facilities and what the anticipated costs were. Askew believed this was a very divisive action that would hurt the Town.

Alexander Atkins, Orchard Hill, hoped that the public in attendance at tonight's meeting that represent the different groups would join and work together to return public education to Los Altos Hills. Atkins suggested that residents send letters to the press and Los Altos School District in an effort to get more media coverage to call attention to the efforts of the District to "kill a school".

Jolon Wagner, Robleda Court, noted that she had spoken before in support of public education; however, her concern this evening was with the appropriateness of the Council's discussion. She also noted that there were other alternatives for public education available to the residents of Los Altos Hills other than the Charter School. Wagner suggested the parents of the School demonstrate and protest at the District and noted that others would support them.

City Attorney Steve Mattas clarified that the Council was hearing input from the public. The request from the Bullis Charter School is for direction to be provided on issues that would require a vote and legislative decisions from the Council at a later time. It was appropriate for the Council to express their opinions on the matters tonight and take comments from the public and come to their conclusions.

Dede Huffman, Catherine Court, expressed her belief that it was critical for the Town to keep all of the recreational facilities for the kids. She noted that it was vital to encourage today's kids to be active and was very concerned that the Bullis Charter School, a small vocal group, was draining resources and funds from the Los Altos School District's funds and did not believe the Council should be supporting something that was detrimental to the education of her children. Huffman offered that a majority of the students at the

School did not come from Los Altos Hills and believed they were dividing the community and suggested that most residents in the Hills were content with their children's education. She encouraged the Council to keep the baseball fields.

Dave Pilling, Canario Way, expressed his belief that the Town had underestimated the Los Altos School District as an adversary. He questioned what the temporary location of the School at Purissima would cost.

John Lazarine, Robleda Road, commented that his children use the riding ring every weekend. He suggested that the solution was to locate the Charter School at Bullis. Lazarine expressed his concern about traffic if the School were to be temporarily located at the Purissima site and questioned where the ring would be relocated.

Chris Vargas, Templeton Place, Bullis Charter School Site Committee, explained that he would like to clarify that the Town makes money for the Los Altos School District even if every child in Los Altos Hills went to the Bullis Charter School. He noted that the Charter School's proposal called for a new riding ring and a new baseball field. Vargas suggested a "go forward plan" that would send a strong message to the Los Altos School District that the Town was prepared and united to solve the problem. The steps included: 1) take action on the basic hurdles that could be approved tonight and set-up a Committee chartered to find alternate sites for the recreational facilities; 2) encourage everyone to go home and contact the School District and tell them you want the Bullis site solution to happen; and 3) schedule a Special City Council meeting for April 2 to let the District know that the Town will look very closely at their action on April 1. He felt it was crucial that the Town present a united front.

D. Frye, Elena Road, offered that April 2 was too late and suggested that the children of Los Altos Hills should protest now and get the media's attention. She noted that the Town's riding ring was important to the Town and there was not a similar public facility any where in the Bay Area. Volunteers built the ring and it is very important to the residents of the Town.

Bob Stutz, Elena Road, suggested that the Council take public action to condemn the Bullis site.

CLOSED PUBLIC COMMENT

Mayor O'Malley thanked everyone for their input.

Council discussion ensued.

Councilmember Jones stated that he agreed with the resident who said the Council should stay the course. He understood the voiced concerns regarding legal expenses, but explained that the Council felt it was important to preserve the Town's zoning laws and restrict private enterprises from the Bullis site. Jones believed that the top priority was to retain the Bullis site and continue to discuss what additional means the Council might take to press the issue. Mayor O'Malley suggested that the first action taken should be to determine if the Town could use the Purissima site as a temporary location for the Bullis Charter School. He suggested that the City Attorney review the lease restrictions and

decide how best to approach the Palo Alto School District. Council concurred and suggested a Subcommittee of Chris Vargas (BCS representative); Council representatives and Mary Davey (public representative) to work with the City Attorney and authorized a request, if necessary, to appear on the Palo Alto Unified School District's agenda for discussion of the issue. O'Malley offered that the City Attorney should also advise the Council on the legal requirements for a General Plan Amendment and rezoning issues. Council agreed to agendaize for discussion at a March meeting, once these two legal hurdles were met, discussion of costs and alternate sites for the recreational facilities and a closed session discussion to consider any expansion of legal actions. Council suggested that the Mayor be authorized to send a letter to request the Palo Alto Unified School District to consider the request to remove the deed restriction on the Purissima Road site.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed by the following roll call vote to: 1) authorize the City Attorney's office to work with a representative of the Bullis Charter School, Councilmember Jones, Mayor Pro Tem Kerr and Mary Davey to pursue the issue with the Palo Alto Unified School District with regards to the release of any rights they might claim from the deed restriction; 2) authorize the City Attorney's office to review and report back to the Council at the next meeting on the issues relating to a General Plan amendment, the Open Space Initiative and rezoning necessary to allow the proposed use on the site; 3) authorize the City Attorney's office to review the additional legal options available to the Council and return their findings to the City Council in Closed Session at the next meeting; and 4) authorize the Mayor to prepare a letter on behalf of the Council to the Palo Alto Unified School District requesting release of the deed restrictions.

AYES: Mayor O'Malley, Mayor Pro Tem Kerr, Councilmember Jones, Councilmember Mordo and Councilmember Warshawsky

NOES: None

ABSENT: None

ABSTAIN: None

10. PRESENTATIONS FROM THE FLOOR

Jitze Couperus, Page Mill Road, read into the record his draft proposed response to a recent publicized letter from Carl Guardino, President, Silicon Valley Manufacture's Group, regarding Mayor Pro Tem Kerr's participation on the VTA. Couperus's response condemned the letter's allegations and supported Kerr.

Roger Burnell, Public Education Committee Chair, provided Council with a brief update report from the Committee. He explained that the Committee had three recommendations: 1) the City Council continue to pursue every possible legal remedy to protect the Town's zoning laws for preserving the Bullis site for public education; 2) encourage the Council to apply all due diligence to help find a temporary home in the Hills for the Bullis Charter School as soon as possible that would be useable as soon as Fall 2005; and 3) the Public Education Committee will continue to explore options of educational autonomy for Los Altos Hills in the constructive search for viable solutions for all of our children and our entire Town.

Bob Garcia, Los Altos, Los Altos Hills Horsemen's Association spokesperson, thanked the City Council for the opportunity to speak. He offered that the Horsemen's Association favored public education in Los Altos Hills at the Bullis site; the preservation of the Little League fields at their present site and a proposed soccer field at the Bullis site. He explained that Council had each received a copy of their event calendar and proposal for upgrading and maintaining the Town riding ring. Garcia reviewed the proposal with Council. He noted that Association had renewed their commitment to the maintenances of the ring and had commenced fundraising to support their budget.

Jolon Wagner, Los Altos Hills Horsemen's Association Board member, explained that she supported the return of public education to the Bullis School site, however not at the expense of the Town's ring. She offered that it was a valuable community asset and provided Council with a photo album of the ring and recent events.

David Byers, Elena Road, thanked the Council for their efforts to assist the Bullis Charter School. He offered that the School has completed their first 100 days in operation and it was an outstanding program filled with passion and energy where his child has blossomed. Byers suggested that the Charter School would be an excellent core to bring public school back to Los Altos Hills.

Ron Haley, La Rena Road, congratulated the Councilmembers on their recent election. He hoped they would continue with their campaign proposals to continue to support the return of public education to Los Altos Hills and suggested that they look at all options and would support education be given a priority over the horseman if the use of the ring was the only viable option.

Dave Pilling, Canario Way, acknowledged that he and his family have enjoyed the use of the baseball fields and horse ring and offered that it provided a community meeting place. He was concerned that the proposal from the Charter School for the use of the site for their School refers to it as temporary and believed that temporary often became permanent.

11. PUBLIC HEARINGS

- 11.1 Request for a Site Development Permit and Conditional Use Permit to Allow a Wireless Communications Facility Consisting of Three (3) Antennas Mounted Inside a 50' Tall Flagpole and Associated Ground Equipment at Town Hall; Land of Los Altos Hills (Cingular Wireless), 26379 Fremont Road
(173-04-CUP-IS-ND)

Item Continued at the Request of the Applicant

12. ADJOURNMENT

There being no further New or Old Business, the meeting was adjourned at the consensus of the Council at 11:10 p. m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the February 3, 2005 Regular City Council Meeting were approved as presented at the March 3, 2005 Regular City Council Meeting.